

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *et al.*,

Defendants.¹

No. 16-cv-4756 (NGG) (VMS)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (VMS)

NOTICE

Defendants respectfully notify the Court and the Plaintiffs that, on Friday, July 16, 2021, the United States District Court for the Southern District of Texas issued an opinion and a permanent injunction on the subject of Deferred Action for Childhood Arrivals (DACA), both of which are attached to this filing. *See Texas v. United States*, No. 1:18-cv-00068, ECF Nos. 575, 576 (S.D. Tex. July 16, 2021). As a result of the permanent injunction, effective on Friday, the Department of Homeland Security (DHS) may no longer grant any “new . . . DACA applications,”

¹ In both of the above-captioned matters, pursuant to Federal Rule of Civil Procedure 25(d), Secretary of Homeland Security Alejandro N. Mayorkas is automatically substituted as a Defendant in his official capacity for former Acting Secretary of Homeland Security David Pekoske.

i.e., “those not already granted by” July 16, 2021, *id.*, but (pending appeal) may continue to grant renewal requests.

On Saturday, July 17, 2021, President Biden issued a statement about the decision, noting (among other things) that “[t]he Department of Justice intends to appeal this decision in order to preserve and fortify DACA.” *Statement by President Joe Biden on DACA and Legislation for Dreamers* (July 17, 2021), available at <https://perma.cc/XTY3-JKHA>. Secretary of Homeland Security Mayorkas also issued a statement, reiterating that DHS “will engage the public in a rulemaking process to preserve and fortify DACA,” and also “will continue processing DACA renewal requests, consistent with the ruling.” *Statement by Secretary Mayorkas on DACA Ruling* (July 17, 2021), available at <https://perma.cc/YG2A-4L53>.

The permanent injunction from the Southern District of Texas also requires changes to the websites of DHS and U.S. Citizenship and Immigration Services (USCIS). Defendants will file a notice later this week advising this Court and the Plaintiffs regarding the nature of those changes, once they are completed.

Dated: July 19, 2021

Respectfully submitted,

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